IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pitts

Serial Number: 09/970,587

Filed: 10/04/2001

Group Art Unit: 3682

Examiner: Charles, Marcus

Title: ELEVATOR BELT ASSEMBLY WITH NOISE REDUCING GROOVE ARRANGEMENT

Attorney Docket Number: 60,469-053; OT-4987

REPLY BRIEF

Box AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Examiner's Answer dated May 4, 2004..

There is no *prima facie* case of obviousness. The Examiner still has not explained how one skilled in the art would be lead to make the proposed combination of the *Kokai* and *Miranti* references. Absent Applicant's own disclosure, the skilled artisan would not be led to believe that the *Miranti* arrangement of grooves that addresses noise generation as side surfaces on a V-shaped belt exit a V-shaped pulley would have any applicability or use in the *Kokai* arrangement where there is no contact between side surfaces of the belt and side surfaces of a pulley and wherein separation between the *Kokai* belt and pulley is not considered a source of possible noise. Because the added teachings of *Miranti* do not provide any benefit in *Kokai* arrangement (i.e., there is no separation-generated noise in the *Kokai* reference, which is what is addressed by the *Miranti* reference), there is no motivation for making the combination.

1

Additionally, there are significant differences between an elevator belt like that used in the *Kokai* reference and the endless power transmission belt of the *Miranti* reference. For example, the larger length of an elevator belt presents different vibrational and noise generating behavior than a power transmission belt. The changing loads on an elevator belt, for example, and the changes in belt length between the loaded ends of the belt and the sheave contacting the belt, do not occur with an endless power transmission belt in its intended use. The significant differences, which cannot be ignored, make it difficult at best to see how a skilled artisan would find *Miranti's* teachings useful for *Kokai's* arrangement.

Further, the *Kokai* reference does not leave it to the reader's imagination or interpretation what type of spacing is required between the grooves in the *Kokai* reference. That document repeatedly and explicitly states that equal spacing between the grooves is required to keep the cords aligned as desired. The Examiner is wrong when contending that the *Kokai* "grooves are not deep enough to touch the core wires." Figure 12 of *Kokai* clearly shows grooves 4 extending up to the core wires 3. The description in that reference also clearly indicates that the grooves are related to the process of positioning the core wires during belt manufacture.

There is nothing within the art that suggests going against the direct and explicit teachings of the *Kokai* reference. The Examiner's proposed combination undoes the express teachings of the primary reference. That is not permissible when attempting to establish a *prima facie* case of obviousness.

None of the claims can be considered obvious because the proposed combination cannot be made. The Examiner has not provided any reasoning for how one skilled in the art looking at the *Kokai* reference would be led to believe that the *Miranti* reference provides any beneficial teaching
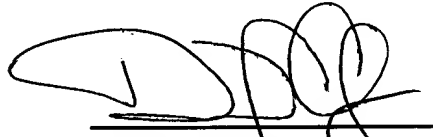
to be added to the *Kokai* reference. Without any benefit, there is no motivation and no *prima facie* case of obviousness.

Applicant respectfully submits that all claims are allowable.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

_____June 4, 2004_____

Date

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CERTIFICATE OF MAILING

I hereby certify that the enclosed **Reply Brief (in triplicate)** is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on June 4, 2004.

Theresa M. Palmateer

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